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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/829,857	04/01/97	RIELEY J	002964-P001

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EXAMINER
PEZZLO, J

ART UNIT	PAPER NUMBER
2736	4

DATE MAILED: 03/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/829,857

Applicant(s)
Rieley et al.

Examiner
John Pezzlo

Group Art Unit
2736



☒ Responsive to communication(s) filed on Apr 1, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim 1 is objected to because of the following informalities:

1. Claim 1 needs to be rewritten to add the word "apparatus or device" to be consistent with the disclosure (title, abstract, drawings, and specification). As stated Claim 1 refers only to a method not a method and apparatus.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Richardson, Jr. et al. (Patent Number 5,113,430) herein after referred to as Richardson.

Richardson discloses both a method and an apparatus for providing a voice messaging response system which utilizes both the POTS (circuit switch) and the packet switched public data network (PSPDN) to reduce long distance phone charges and provide reliable service.

In particular:

Step 1. "*receiving an incoming signal ...*"

Refer to Richardson Claim 1 column 15 lines 49-57.

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Step 2. "*determining a user account and a final*" and Step 3. "*allocating a message processing ...*"

Refer to Richardson Claim 12 column 19 lines 53-66.

Step 4. "*processing said incoming call ...*"

Refer to Richardson Claim 1 column 15 lines 54-60.

Step 5. "*sending said processed message...*"

Refer to Richardson Claim 1 lines 64-68.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Doll, Jr. et al. (Patent Number 5,351,276) discloses a digital/audio interactive communication network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 305-1028. The examiner can normally be reached on Monday to Friday from 8:30AM to 4:30PM.

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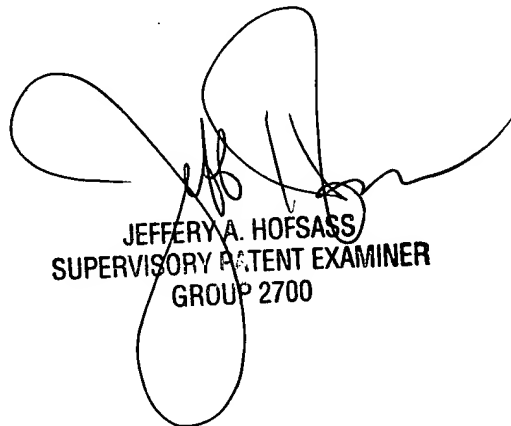
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass, can be reached on (703) 305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

John Pezzlo



19 February 1999



JEFFERY A. HOFSSASS
SUPERVISORY PATENT EXAMINER
GROUP 2700